IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. APP (DB) No.630 of 2004
ARUN KAHAR
Versus
STATE OF BIHAR
---

07 11.02.2009 I.A. no. 2615 of 2008 has been filed on behalf of the appellant Arun Kahar, for enlarging him on bail.

Heard learned counsel for the appellant as well as learned counsel for the State.

Learned counsel for the appellant submits that the widow of the deceased as PW 2 has stated that along with her husband namely the informant who subsequently died she came to Patna for his treatment but the doctors were on strike and hence she could not get her husband treated and after three days he died in the verandah of government hospital at Patna. The doctor in his deposition as PW 5 has stated that cause of the death was abdominal injuries leading to septicemia. Learned counsel for the appellant further submits that PWs 3, 6, 7 and 8 had become hostile and none of the other witness except PW4 was claimed to be the eyewitness. Learned counsel for the appellant avers that even the Investigating Officer has not been examined. Learned counsel for the appellant also states that the appellant has remained in custody for over six years.

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Considering the facts and circumstances of the case, this interlocutory application is allowed.

During the pendency of this appeal, let the appellant, Arun Kahar be enlarged on bail on furnishing bail bond of Rs 10,000/ (rupees ten thousand) with two sureties of the like amount each to the

satisfaction of Additional Sessions Judge Fast Track Court no. III, Patna in Sessions Trial no.367 of 1991.

(S.N. Hussain, J)

(Shailesh Kumar Sinha, J)

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